

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DWAYNE L. DAY,

Plaintiff,

vs.

Civil Action 2:05-CV-1109
Judge Sargus
Magistrate Judge King

CASTLE, et al.,

Defendants.

ORDER

On December 21, 2005, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the complaint be dismissed, without prejudice, for failure to exhaust. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**, without prejudice, for failure to exhaust administrative remedies.

2-16-2006
Date



Edmund A. Sargus, Jr.
United States District Judge